

25X1

Note on routing slip to [] from Mr. Houston
"This has been stamped **CONFIDENTIAL** in accordance with the
manner of handling earlier papers although I do not believe this
contains any classified information as such." OGC 9-1688

23 November 1959

MEMORANDUM FOR: Chairman, Security Committee, USIB
SUBJECT: Disclosures of Information Affecting the
National Security

1. We have reviewed the memorandum of 18 November for the members of the United States Intelligence Board, with the attachments, and particularly the proposed Presidential memorandum on disclosures of intelligence. It is our feeling that the problem of classified information, including intelligence and intelligence information, is already completely covered by Executive Order 10501 and that what should be aimed at in the Presidential memorandum is bringing the intelligence agencies of the Government into their proper place in the declassification or release of classified information. The release of classified information as such is largely a political determination and as stated by Executive Order 10501 is the responsibility of the head of the department. However, the intelligence community has a special interest shared by no other components, which is the protection of intelligence sources and methods. We, therefore, feel that the Presidential memorandum, while once more calling attention to Executive Order 10501 and directing compliance therewith, could properly require consultation with the intelligence components in connection with any release or declassification of classified intelligence in order to determine whether sources or methods could thereby be compromised.

2. We are forwarding herewith for your consideration a draft of a Presidential memorandum based on the foregoing analysis.

OGC:LRH:jeb
OGC chrono
✓ subject-Sec 3

LAWRENCE R. HOUSTON
General Counsel

Attachment []

25X1

D
R
A
F
T

MEMORANDUM FOR: Executive Offices of the President
Secretary of State
Secretary of Defense
Secretary of the Treasury
Secretary of Commerce
The Attorney General
Chairman, Atomic Energy Commission
Director of Central Intelligence

SUBJECT: Disclosures of Information Affecting the
National Security

1. I am concerned over the serious damage caused to the security of the United States by the appearance in public information media of information from within the Executive Branch of the Government which has not been authorized for disclosure. This information was properly classified under Executive Order 10501 as official information affecting the national defense. Of particular importance is the unauthorized disclosure of intelligence including information about intelligence sources and methods. Because of these disclosures in several instances, great harm has been done to the United States intelligence effort. It is clear that many recipients of intelligence clearly labeled with the proper classification are not aware of the detrimental effect which their disclosures may have and have had on the success of the intelligence effort.

2. Specifically, I draw your attention to section 7 of Executive Order 10501 which reads in part: "Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy." It is the responsibility of the head of each department and agency to insure that the provisions and the spirit of Executive Order 10501 are carried out and that classified information is properly safeguarded. No classified information is to be revealed to unauthorized persons. Information may be released, however, if it is declassified under proper procedures.

3. With regard to intelligence, I draw attention to the fact that, by statute (section 102(c)(3) of the National Security Act of 1947, as amended) the Director of Central Intelligence is responsible for protecting intelligence sources and methods from unauthorized disclosure. Therefore, if declassification or release of classified intelligence is contemplated, the intelligence components of your respective Departments and Agencies will be consulted as to the impact on sources and methods. Recipients of intelligence shall be made especially aware of the damage that can accrue to intelligence sources and methods through the improper handling and release of classified intelligence, both raw and that contained in finished studies and reports.

~~CONFIDENTIAL~~

4. The Director of Central Intelligence shall keep me informed of developments under this directive and shall make appropriate recommendation of actions to be taken for better protection of intelligence, including additional legislation as may be proposed by the United States Intelligence Board.

16 NOV
16 1959

Documents sent by Mr. Houston to Mr. Eric H. Hager,
Legal Adviser of the Department of State:

Memo for the Record

Subject: Revision of Espionage Laws

5 March 1959 - [] (subject copy) []

The Espionage Laws

8 July 1959

[] (extra carbon) []

Memorandum for Mr. Houston

Subject: Broadening the United States' Jurisdiction
Under the Espionage Laws

4 November 1959 - [] (extra carbon)

Memorandum for Director of Central Intelligence
Subject: Protection of Intelligence Sources and
Methods

14 February 1958 - Lawrence R. Houston

DD/S 58-573, OGC 8-0341, ER 10-1122 (DCI copy)

Memorandum for Director of Central Intelligence

Subject: Legislative Action Pertaining to Security
Leaks

13 February 1958 - Lawrence R. Houston

OGC 8-0330 (Subject Copy) []

Memorandum for Chief, Special Intelligence Staff,
Office of Current Intelligence

Subject: Security of Information

16 October 1959 - Lawrence R. Houston

(Subject Copy) For Official Use Only

FROM	2430 E Street, N. W. Washington 25, D. C.	NO. A-400867		
		DATE		
TO:	Legal Adviser Department of State Room 4264 New State Washington 25, D. C.			
LOG DATA	<table border="1"> <tr> <td>CONFIDENTIAL</td> </tr> <tr> <td><input checked="" type="checkbox"/> SECRET</td> </tr> </table>		CONFIDENTIAL	<input checked="" type="checkbox"/> SECRET
CONFIDENTIAL				
<input checked="" type="checkbox"/> SECRET				
OGC 9-1658				

RECEIVING OFFICE LOG

★ GPO: 1958-443368

SECRET

MEMORANDUM FOR: The Legal Adviser
Department of State

Eric:

While much of the attached is not classified and probably some could be declassified, we have treated the whole file as **SECRET** because of certain of the instances discussed.

s/ Lawrence R. Houston
LAWRENCE R. HOUSTON
General Counsel
CIA

SECRET (DATE)
16 November 1959

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

SECRET

OGC 9-1658

Mr. Eric H. Hager
Legal Adviser
Department of State
Washington 25, D. C.

16 NOV 1959

Dear Eric:

For your study of the problem of unauthorized disclosure of classified information which we discussed last week, I am sending to you some materials which have been prepared by my office. Much of our emphasis in this field has been on the possibilities of evolving legislation to improve protection of classified information. In this connection we have undertaken studies of the espionage laws and discussed possible changes in them with the Justice Department. Papers dated 5 March 1959, 8 July 1959 and 4 November 1959 give this background information.

The statutory responsibility of the Director of Central Intelligence for the protection of intelligence sources and methods is described in my memorandum of 14 February 1958. Some difficulties in stopping leaks of classified information are described in my memoranda dated 13 February 1958 and 16 October 1959. As a practical matter, it has been our experience that under existing laws it was not in this Agency's best interests to prosecute individuals who have disclosed classified information under the control of this Agency. If you want, I can send you a selection of cases involving unauthorized disclosure which we have been unable to prevent and where we have not recommended prosecution.

Scant attention has been given in authoritative books and legal periodicals to the subject of espionage and the leaking of information affecting the national security. For general background, however, I suggest "The Espionage Act of 1917: Its Legislative History and Scope" by Nathaniel H. Goodrich appearing as Appendix F (p. 360) in The Control of Atomic Energy by Newman and Miller (McGraw Hill, 1948).

Because of our record filing requirements, we would appreciate your keeping the enclosures together for return to us. We can arrange, of course, to thermofax any of the enclosures and send them to you for retention.

OGC:MCM:jem

Sincerely,

Orig & 1 - Addressee

✓ 1 - Subject *Sec. 3*

1 - Signer

1 - Chrono

Enclosures

S/ Lawrence R. Houston

Lawrence R. Houston
General Counsel

SECRET

Attach to OGC 8-0341 when returned from Hager

OGC
Attached to OGC 8-0330 when returned from
Hager

Attach~~ed~~ to 16 Oct 59 memo to
Chief, CI re Security of Information fr
GC when returned from Hager

SENDER		CLASSIFICATION TOP AND BOTTOM	
UNCLASSIFIED	CONFIDENTIAL	SECRET	
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	Mr. Houston, ODC		
2			
3			
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE

Remarks:

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

UNCLASSIFIED

CONFIDENTIAL

SECRET

MEMORANDUM FOR: THE DIRECTOR

A White House conference to discuss strengthening the laws about security leaks concluded that the only feasible action was to strengthen the law as it applied to Government employees who disclosed classified information. Details of this conference are in the attached memorandum.

LAWRENCE R. HOUSTON
General Counsel

10 FEB 1961

(DATE)

MEMORANDUM FOR: THE DIRECTOR *mmw*

Colonel White told me you wanted a paper on the background of the responsibility for intelligence source and method. Attached is what little there is on this subject,



LAWRENCE R. HOUSTON
General Counsel

24 AUG 1954

(DATE)

MEMORANDUM FOR: THE DIRECTOR

The attached was prepared for and the Security Subcommittee of USIB to give them the general background of the problem of taking legal action in the event of leaks of classified information. This will lead into detailed discussions as to what legislation may be feasible. Our best information is that Justice will not at this time propose any new legislation but does not object and is even somewhat in favor of our going ahead as representing the intelligence community and sounding out our own committees on various legislative proposals.

16 October 1959

LAWRENCE R. HOUSTON

(DATE)